

14 CFR PART 150 NOISE COMPATIBILITY PROGRAM CHECKLIST
PART II – Narrative Instructions

I. Submitting and Identifying the NCP:

A. A submission needs to be properly identified as a noise compatibility program (NCP) submitted under 14 Code of Federal Regulations (CFR) Part 150, or as noise exposure maps (NEM) and a NCP submitted together under Part 150. If it is a Revision, it needs to be so identified. (First-time program submissions do not need to be specifically identified as such.) Revisions can be submitted that revise the sponsor's submittal to varying degrees. For example:

The most common type of revision is when the airport sponsor updates its previously approved NCP in full. This is typically due to the passage of time or a change/revision to the NEMs requires an update to the NCP. The airport sponsor should include information on how this revision affects the previously approved NCP measures, as well as any other noise abatement measures put in place outside the Part 150 process (see 150.23(e)(6)).

B. The airport name and the airport operator's name need to be identified. Under the Aviation Safety and Noise Abatement Act ("ASNA", recodified at 49 U.S.C. 47501 et. seq) and 14 CFR Part 150, a noise compatibility program must be submitted by the operator of a public use airport, including heliports, and not by some other party (i.e., the consultant).

(A and B) It is desirable to have the above information on the cover page of the submission. However, there is no format specified in the regulation, so it is acceptable to otherwise present this information as long as it is included and clearly understandable.

C. In order to verify that the submission has come to FAA from the airport operator, instead of another party, the submission should be accompanied by a cover letter from the airport operator. The airport operator's letter should clearly identify the documentation as a Part 150 submission for appropriate FAA determinations (as opposed to a preliminary or partial submission of material for FAA informal advice).

1. If the airport sponsor chooses to add a new measure, or modify an existing measure based on new circumstances, the airport sponsor may have to conduct required consultation in accordance with Part 150 NCP requirements, including notice and opportunity for a public hearing, and submit the revision to the FAA for decision. (For example, the sponsor originally recommended sound attenuation for a school, upon closer inspection of the property; it is more financially feasible to purchase the school. The sponsor may submit an amendment, changing the original recommendation.) While most

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new or modified measures will typically require consultation, whether or not additional consultation is necessary will probably have to be decided on a case-by-case basis. For example, if the NCP *analyzed* purchasing the school, but did not initially include it as a final recommendation in the NCP, consultation might not be required. However, if purchasing the school was not analyzed, then consultation would be required.

a. The FAA processes this revision in the same manner as a full Part 150 study, but the FAA typically should not have to use the full 180 days to internally review, coordinate and reach a final decision.

b. The FAA may issue a separate ROA for this recommendation, and announce its decision in the *Federal Register*. There may be times when revising an ROA (amendment), rather than issuing a new ROA, would be sufficient.

2. If the FAA disapproves a sponsor's NCP recommendation "pending submission of additional information to make an informed analysis", the airport sponsor can submit that additional information to the FAA for consideration, *supplementing* the original submittal. The FAA will issue a revised Record of Approval after considering the sponsor's formally submitted supplemental information.

a. If the additional information satisfies Part 150 approval criteria, the FAA may now approve the measure. If the additional information does not satisfy Part 150 approval criteria, the FAA may now disapprove the measure. The amended ROA decision will include the measure's description as contained in the original ROA, and include FAA's original decision; the supplemental ROA will then describe the FAA's revised decision.

b. An amended FAA decision based on the submittal of supplemental information is announced in the *Federal Register*.

c. The ROA amendment, the supplemental information, the original ROA, and the original NEM and NCP documentation constitute the full FAA decision record for the project.

II. Consultation

A. ASNA and Part 150 have some very specific consultation and public participation requirements. Section 150.23(e)(4) requires a narrative description of the public participation and the consultation carried out with respect to the NCP. This narrative must include the information described below. (If NEMs and a NCP are submitted together, it is preferable but not required for the consultation

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requirements to be documented in one section of the Part 150 submission covering both NEM and NCP consultation requirements.)

B. The NCP documentation must clearly identify the various consulted parties. Under § 150.23(c), the parties required to be consulted by the airport operator are: FAA regional officials, including air traffic when new or modified flight procedures are proposed¹, state officials, public and planning agencies within the DNL 65 dB², other Federal officials having local responsibility for land uses within the DNL 65 dB. For air carrier airports, consultation must include air carriers, and to the extent practicable, other aircraft operators using the airport. The NCP must identify public and planning agencies by name and identify their geographic areas of jurisdiction as required by § A150.105³.

C. In accordance with § 150.23(d), the program documentation must show that the airport operator has afforded adequate opportunity for the active and direct participation of the above consulted parties and the general public prior to and during the development of the NCP, and prior to the submission of the program to FAA. This includes adequate opportunity for those parties to submit views, data, and comments on the formulation and adequacy of the NCP. The program documentation is not supposed to simply state that adequate opportunity has been afforded; a description (referring back to § 150.23(e)(4)) of what has been done is required.

It is important for the narrative description to demonstrate that the required parties were given the opportunity to participate and to have input; that the participation opportunity offered was one of substance, involving an active role and a real opportunity for input to program considerations; and that the timing of the participation opportunity met the requirements of the rule (i.e., early in the development of the map and program documentation). Active, direct, and early participation is most often accomplished through the creation of Part 150 advisory committees or task forces established before the study gets underway. However, the Part 150 regulation does not specify any particular method for consultation during study development; it allows flexibility on the part of the airport operator on how to meet consultation/participation requirements. The regulatory requirement for consultation does not require unanimity of opinion, or require the airport operator to

¹ Note that ATO consultation should *not* be limited to the local tower. The appropriate Service area of the ATO will be required to review and comment on the NCP measures, so they should be consulted early enough in the process to allow the public to know whether the FAA will concur in and be able to carry out proposed new or modified flight procedures after compliance with NEPA.

² Where a noise contour is published that extends beyond the DNL 65 dB, parties listed in §150.23(c) that are within the expanded noise contour must be consulted if the jurisdiction(s) has adopted the lower threshold as locally significant. In cases where the sponsor is providing the larger contour for informational purposes, consultation with the jurisdictions is recommended. If airport operators and local land use jurisdictions within the revised contour area have adopted a locally significant standard that is different from the Federal standard in Table 1 of Part 150, this may be used to establish program mitigation boundaries and potential eligibility for Federal aid. These local standards, if they do not permit new noise-sensitive development, also may be used to establish a locally significant noise standard for airport operator proposed noise or access restrictions..

³ See note 2, above.

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let participants vote on recommended program measures or to have an equal role with the airport operator in deciding which alternatives to recommend for implementation.⁴ The process should facilitate an agreed-upon plan especially suited to the individual airport while not unduly affecting the national air transportation system (see § B150.1 (b)(2)).

With respect to “other aircraft operators using the airport” and to the “general public,” reasonable and fair representative participation to the extent practicable is expected, not that every aviation user or every member of the public must be allowed to actively participate on an advisory committee or task force. However, all written comments from any party are to be received and, to the extent the comments relate to the formulation and adequacy of the airport operator’s noise compatibility program⁵, they must be considered in accordance with 150.23(e)(7), as described in further detail, below. The consultation requirements of Part 150 are not flawed because a party or parties declines to participate, as long as there is evidence in the document that the airport operator extended adequate opportunity to participate. Note that on the occasion where local governing bodies decline to participate, the airport operator should not include recommendations for action to be taken by that body or bodies, unless prior agreement to implement the measure(s) is received. The measures would not make feasible recommendations in the NCP without evidence that the responsible party has agreed to implement, and it would be misleading to the public to present these as final program measures.

D. The program documentation must include evidence that the airport operator provided notice and an opportunity for a public hearing⁶ on the noise compatibility program. While notice to the public offering an opportunity for a public hearing is always required, a public hearing is only required if requested. A sponsor may always provide for a public hearing even if one is not requested. This regulatory requirement was added in the December 30, 1987, amendment to ASNA⁷. If a public hearing is requested, it must take place prior to submission of the program to FAA. Creation of advisory committees or task forces is not a substitute for affording the general public an opportunity for a public hearing. For example, meetings held solely to inform the advisory committee or task force, and not the public at large, do not meet the legal requirements. However, a similar meeting that is advertised and open to the public would meet the requirement.

E. 150.23(e)(7) requires the documentation to include a summary of the comments (both written and oral) at any public hearing and a copy of all written

⁴ Parties that are responsible for carrying out recommendations must agree to do so, see §150.23(e)(8) and §B150.7(c).

⁵ §150.23(d).

⁶ Notice of the public hearing must clearly indicate the NCP and its contents will be the subject of the hearing. A general board or community meeting, where the public is not aware the NCP will be discussed, for example, does not suffice as evidence the public was made aware of the opportunity for comment.

⁷ See the Airport and Airway Safety and Capacity Expansion Act of 1987. It is included in amendments to Part 150 published in the *Federal Register* on September 23, 2004 [69 FR 57622].

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material submitted to the airport operator under 150.23(c) and (d). The airport operator must also document its responses and disposition of comments

F. 150.23(c) states that consultation with FAA shall include, to the extent practicable, informal agreement⁸ from FAA on proposed new or modified flight procedures. Such informal agreements are not only consistent with the regulations, but they help FAA make determinations on recommendations involving flight procedures within the 180 days although regulations do not mandate a time period. The program documentation should indicate instances in which consultation with FAA has produced any such agreements. Omission of information on this point presumes that there are no agreements to implement the proposed new or modified air traffic or flight measures.

III. NEMs (This section is not a substitute for the Noise Exposure Map checklist. It deals with maps in the context of the Noise Compatibility Program submission.)

A. Sections 150.23(e)(1) and B150.3 (a) require the NCP to include a copy of the NEMs and supporting documentation that have been determined by the FAA to be prepared in compliance with applicable requirements of 150.21(c). If the NEMs and NCP were submitted separately as described in 150.23(a), the airport operator is required to include copies of the previously accepted maps with the program. Inclusion assumes the maps are still valid (i.e., representative of current and future conditions at the airport) and do not require revision under 150.21(d)⁹. (See NEM checklist narrative for detailed information on how to determine when the NEMs may need to be updated.) The program documentation should clearly indicate the FAA previously determined the NEMs were in compliance with Part 150. The date of FAA's compliance determination is desirable, but is not required¹⁰. For joint submittals, as described in 150.23(b), the FAA reviewer must first review the NEMs for compliance with Part 150 using the NEM checklist since complying NEMs are a prerequisite to starting the 180-day review period for the program. Once the NEMs are determined to be in compliance with the regulation, the FAA reviewer should review the NCP using the NCP Checklist.

B. Normally, the airport operator's forecast year NEM is based on assumptions that the NCP is implemented by the forecast year. If this is not the

⁸ Consulted parties should be made aware that it is not FAA practice to mandate noise abatement flight procedures (make them formal or mandatory). This is because the FAA must maintain the flexibility for safe and efficient aircraft movement and pilots in command must have the authority to determine whether to fly a noise abatement procedure at any specified time might impact aircraft safety. Because of this, a recommended NCP noise abatement flight procedure normally should not presume 100 percent compliance when modeled.

⁹ If the NCP includes previously accepted NEMs that are so out of date as to possibly trigger 150.21(d) update requirements, revised NEMs should be submitted or the airport sponsor must certify the maps are still reasonably representative of the current and future conditions. If the map data are representative of the current condition and forecast condition, but the timeframe for NCP submittal is substantially different, the airport sponsor should state this. The sponsor's submittal letter should clarify the existing conditions NEM now represents the year of submission, and the forecast year NEM now represents year x (at least 5 years in the future).

¹⁰ FAA review here will include an informal determination that NEMs still represent activity at the airport as of the date of NCP submission, for both existing and forecast years. See further discussion.

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case¹¹, the airport operator must submit a revised forecast year NEM with the NCP in accordance with § B150.3(b).

The airport operator must certify that conditions are still representative of the existing and forecast year NEM if the NCP is not submitted at the same time as its the NEMs. It will be necessary to submit revised NEM(s) if changes in operations at the airport, since the time the FAA determined the NEMs were prepared in compliance with the regulation, would create a significant impact or benefit under the terms of 150.21(d)--specifically, if the changes will generate a plus or minus 1.5 DNL dB change in the noise contours.

Revisions to NEMs must meet the same requirements as initial submissions. The FAA, however, does not require an additional two-stage map and program process, but may find the revised maps in compliance with Part 150 under the provisions in 150.35(f) at the time that the NCP is approved. Where a revised NEM is included in the NCP that shows changes as a result of NCP implementation, the airport operator's cover letter should include any request for the FAA to make new NEM compliance findings upon approval of the NCP.

C. The Part 150 regulation does not specifically require the submission of additional NEMs beyond the existing condition and forecast year maps. However, airport operators may optionally include additional maps in the program. The analysis of particular alternatives in an NCP may best be done with noise contour mapping¹² over noncompatible land uses. With certain alternatives, mapping may be critical to the analysis in support of a particular Part 150 program standard and may specifically be requested by the FAA reviewer. In analyzing NCP alternatives with the use of noise modeling, the airport operator must use either the FAA's Integrated Noise Model (or the Heliport Noise Model for heliports) or an FAA approved equivalent in accordance with Part 150¹³. The same model and model version must be used throughout the development of the NEMs and NCP.

Optional noise monitoring may be used; their location must be depicted on the NEMs (§ A150.101 (d)(7)). Whenever noise monitoring is used, it should be accomplished in accordance with Appendix A. However, it is not required for development of either the maps or program under Part 150. No adjustment may be made to the noise model input that is not explicitly permitted by the noise model's manual or permitted in writing in advance by AEE.

D. If an NCP includes multiple maps, the airport operator must clearly indicate (by cover letter, within the NCP, or on the map face) which map is the

¹¹ For example, if a proposed airport layout change that would affect aircraft operations and/or the noise contour is not expected to become operational by the NEM forecast year timeframe.

¹² These are graphics other than the "NEM", which is the regulatory term for the existing and forecast year conditions representing the airport and on which the FAA makes a determination of compliance with regulatory requirements.

¹³ All FAA approved equivalent methodology must have been pre-approved by AEE for use. The model must be one that is publicly available and its results published in the Part 150 study must be capable of being duplicated.

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existing condition NEM and which is the forecast year NEM prepared in compliance with Part 150. Supplemental graphics showing flight tracks and noise monitoring sites must be of the *same scale and use the same land use base map* because they are required elements of the NEM graphic. (The supporting narrative that is required by regulation also is part of the NEM documentation and you should ensure the narrative completely addresses these requirements.)

IV. Consideration of Alternatives. Since Part 150 was first published, other laws, regulations, and policies have been issued. Some could influence how the following alternatives might apply at the airport. For example, Congress enacted 49 U.S.C. 47521-47533 (the Airport Noise and Capacity Act of 1990), FAA issued 14 C.F.R. Part 161, and FAA published a policy in 1998 affecting approval of recommendations to mitigate noise-sensitive land uses built after October 1, 1998 [63 FR 16409]. These changes should be considered when the airport operator is evaluating the following alternatives:

A. At a minimum, each NCP must consider the alternatives listed below pursuant to §B150.7 (b). The consideration of additional alternatives that meet regulatory approval criteria is optional.

1. Acquisition of land and interests therein, including, but not limited to air rights, easements, and development rights, to ensure the use of property for purposes which are compatible with airport operations.

2. The construction of barriers and acoustical shielding, including the soundproofing of public buildings.

3. The implementation of a preferential runway system.

4. The use of flight procedures (including the modifications of flight tracks) to control the operation of aircraft to reduce exposure of individuals (or specific noise sensitive areas) to noise in the area around the airport.

5. The implementation of any restriction on the use of an airport by any type or class of aircraft based on the noise characteristics of those aircraft. Such restrictions may include, but are not limited to the following list. It is not necessary for all of these potential restrictions to be examined in each NCP, as long as a program gives consideration to at least one type of restriction.

a. Denial of use of the airport to aircraft types or classes that do not meet Federal noise standards;

b. Capacity limitation based on the relative noisiness of different types of aircraft;

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c. Requirement that aircraft using the airport must use noise abatement takeoff or approach procedures previously approved as safe by the FAA;

d. Landing fees based on FAA certificated or estimated noise emission levels or on time of arrival; and

e. Partial or complete curfews.

6. Other actions or combinations of actions that would have a beneficial noise control or abatement impact on the public.

7. Other actions recommended for analysis by the FAA for the specific airport.

The airport operator must show consultation in accordance with §150.23 for alternatives recommended for FAA action.

A new public hearing opportunity may be required if there are additional measures recommended after the initial public consultation and hearing process is completed.

B. In accordance with B150.7 (a), the program must indicate into which category each considered alternative would fall based on which entity has authority to implement it; i.e., the airport operator, a local agency or political subdivision governing body, a state agency or political subdivision governing body, the FAA, or other Federal agency. There should be evidence the party(ies) responsible for implementing the measure(s) have agreed to do so and the approximate schedule agreed upon.

C. Section 150.23(e)(2) requires a description and analysis of the considered alternative measures and a discussion of why specific alternatives were rejected for inclusion in the airport operator's final NCP.

There should be sufficient description of each alternative to provide a clear understanding of it. The amount of analysis is expected to vary with the alternative, its applicability at the airport, and with the amount of local interest in pursuing particular alternatives.

Generally, there is no specified analytical detail in the regulation for rejected alternatives. Reasons presented in the airport operator's documentation for rejecting alternatives should appear reasonable (i.e., not arbitrary and capricious), should not be based on faulty technical analysis, and should not be based on flawed conclusions (e.g., that a particular alternative is illegal, when it is not). The FAA reviewer may comment, if this is the case, that rejected alternatives must either

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be more clearly described, or more accurately analyzed technically, or that they have been rejected for incorrect reasons. FAA may request a meeting and/or additional information per 150.33(c) and (d) during the FAA's preliminary review, prior to beginning the 180 day review period.

The ***rigorous analytical requirements for any alternative recommended*** to be part of the final NCP, ***regardless of whether it was approved by the FAA in a previous NCP***, are detailed in Section V., below.

D. One of the categories of alternatives that the airport operator must consider under §B150.7 (b)(7) is "other actions recommended for analysis by the FAA for the specific airport." FAA should provide any recommendations for consideration during the consultation process and not after the NCP has been submitted to the FAA for final review. However, the FAA may recommend, for example, a new alternative that was not previously considered, reconsideration and more detailed review of an alternative already considered, or a variation of an alternative that was considered and rejected even after the NCP has been submitted.

It should be pointed out that, while the airport operator is required to consider an FAA recommendation, it is not required to put it forward in its NCP for FAA approval. Reasons for rejecting the alternative(s) must satisfy the same degree of scrutiny described above. If the airport operator adopts new recommendations after the public hearing process is completed, an opportunity for another public hearing must be provided.

V. Alternatives Recommended for Implementation

A. The program documentation must clearly indicate which alternatives are recommended for implementation. The airport operator, not the consultant or another party, must recommend these. While the Part 150 regulation, the FAA, and other consulted parties may recommend the consideration of specific alternatives, it is clear under 49 U.S.C. and the regulation that the airport operator has the sole final prerogative to determine which alternatives to reject and which to recommend in the NCP. If the consultant or another party recommends an alternative for implementation, that alternative must also be clearly recommended by the airport operator, be properly analyzed, and shared with all parties required to be consulted, before it can be included as part of the final NCP.

B. Every recommended alternative must relate directly or indirectly to the prevention or reduction of noise and noncompatible land uses. Program management measures including but not limited to installing or upgrading a noise complaint hotline, hiring noise abatement officer, issuing written publications about the airport's noise mitigation program, or establishing a standing committee with user groups, community members and the airport, for example, are considered to

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relate indirectly to the program's success and may be approved if adequately shown to be a useful component of the NCP at the particular airport making the recommendation.

Section 150.23(e)(3) requires a description of the relative contribution of each of the proposed measures to the overall effectiveness of the program. This description may be in narrative form and may be brief. Beyond this, the Part 150 regulation also calls for quantification of noise/land use benefits. The documentation is required under §150.23(e)(5) to include the actual or anticipated effect of each measure on reducing noise exposure to individuals and noncompatible land uses, and of preventing the introduction of additional noncompatible uses within the area covered by the NEM. Some recommendations may not alter the noise contour, and should be quantified by appropriate supplemental metrics if they are to be considered for approval by the FAA. Another example would be a preventive land use recommendation that would change land uses from noncompatible to compatible. A description of the recommendation, and indication that the jurisdictions with authority to carry it out intend to do so, would be an example of quantification of this type of measure.

Quantified effects for each recommended measure must be based on relevant expressed assumptions concerning the type and frequency of aircraft operations, number of nighttime operations, flight patterns, airport layout including planned airport development during the NEM timeframe, planned land use changes, and demographic changes within the DNL 65 dB¹⁴. If *overall* numbers of people exposed to significant noise levels and overall amounts of noncompatible land uses are being or will be reduced through the implementation of the NCP, the program is determined to meet the ASNA and Part 150 standard in this regard, even though it is possible that specific areas around an airport may experience an increase in noise¹⁵.

The FAA reviewer should comment on any recommended alternative that does not appear to have a clear direct or indirect noise/land use benefit and request the airport operator to provide additional supporting data or consider removing the recommendation from the Part 150 program. (The most common recommendation of this sort has been runway development proposals for capacity or other reasons.) If the airport operator neither removes the recommendation nor adequately supplements the analysis, you should advise the airport operator that while the FAA will start the 180-day review period, FAA will likely disapprove the recommendation for Part 150 purposes or disapprove it pending the submission of additional information to make an informed analysis.

¹⁴ If the operator selects a locally significant noise level, the locally significant DNL contour also must be shown, and the same information must be provided for the locally significant noise level.

¹⁵ The Record of Approval includes standard introductory language from §150.5 that makes it clear an environmental assessment may be required before some NCP measures may be implemented.

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The FAA reviewer should also comment on any apparent faulty or questionable assumptions and on any lack of descriptive and quantified benefits *before starting the 180-day review period*. Whether deficiencies in the documentation will preclude the start of the 180-day review period if left uncorrected will depend on the extent of the deficiencies. You can consult APP-400 if you have any questions about this. The best opportunity to ensure the final recommendations are reasonable and meet the analysis and approval requirements is to participate during the early stages of the study process. If FAA staff cannot actively participate at meetings held during the study process, the FAA reviewer should take every reasonable opportunity to provide technical and policy guidance on draft portions of the analyses. It is advisable to consult regularly with other FAA lines of business during review of draft submittals so FAA may provide sound agency advice before the study is completed.

C. Under §150.23(e)(2), the extent of analysis will vary among alternatives and largely depends upon the nature and complexity of the alternative and the Part 150 program standards that apply. Program standards that must be satisfied are listed under §§150.35(b) and B150.5.

Section B150.5 states it is the airport operator's responsibility to develop an NCP that meets Part 150 program standards, including the analysis to back it up. This applies to measures that the FAA approved in an earlier NCP, and which the airport operator wants the FAA to *re-approve* in the NCP update.

If the previously approved operational measures are successfully in place at the airport, and no changes have been made (for air traffic efficiency reasons, for example) to the measures previously approved and depicted on the NEMs the airport operator does not have to re-evaluate them. They can be reported as baseline conditions at the airport, with no request for an FAA re-approval.

However, even if the sponsor does *not* ask for FAA re-approval of existing operational measures, the FAA may not be able to continue to carry them out as noise abatement measures. The NEM and narrative description in the study update, and the Part 150 study consultation that will include the FAA air traffic organization, will reveal whether the measures previously approved are in fact being carried out as anticipated at the time of FAA approval. Changes in operation that are inconsistent with previously approved noise abatement measures should be explained in the study update document.

An Updated NCP will describe these "in place" measures. The FAA, during the consultation process, should comment whether the measure(s) can continue to be carried out for noise abatement purposes, especially if conditions at the airport have changed since the FAA approved the measure. It may no longer be feasible to carry out the measure as approved, and FAA can take this opportunity to make recommendations on alternative measures that should be evaluated.

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Some administrative measures may not specifically reduce or prevent incompatible land uses. As stated earlier, measures such as publishing pilot handouts, establishing a noise abatement officer position, or continuing a citizens advisory committee, may be approved as meeting program standards because these administrative measures could be associated with monitoring and improving the overall success of an approved program. They can contribute to preventing the introduction of additional noncompatible land uses. The NCP should explain how administrative measures would fit into overall NCP success.

As clearly stated in the regulation, not all measures approved are eligible for Federal aid (see §150.5(b)). The FAA reviewer and airport operator should refer to the FAA's Airport Improvement Program handbook, Order 5100.38, if there are any eligibility questions. You may also contact APP-500 and/or APP-400 by e-mail with a specific question if you need further clarification beyond that provided in the eligibility handbook and written supplemental program guidance. The handbook and supplemental guidance about eligibility for Airport Improvement Program funding are available on the FAA Internet at:
http://www.faa.gov/airports_airtraffic/airports/aip/.

If a recommended alternative is insufficiently analyzed or obviously violates a Part 150 program standard, the FAA reviewer should alert the airport operator (to the extent this can be determined without a more detailed 180-day final review and analysis by the FAA). It is *not* intended that this preliminary FAA review will be as thorough as the substantive review during the 180 days or that it be a substitute for the later review, but it is possible to catch some readily apparent problems with recommendations during this early stage with minimal extra review effort (FAA early participation also will help with this). If the airport operator will not make program adjustments at this point, the FAA may start the 180-day review period; however, FAA may have to disapprove the recommendation(s) in question.

D. If a program recommends a mandatory airport noise or access restriction, contact APP-400 for detailed guidance. *This NCP may not be approved at the regional level.*

A thorough analysis of alternatives (including non-restriction alternatives that may have been rejected from inclusion in the final program) with potentially significant noise/compatible land use benefits is critical. This analysis is required in order for the FAA to determine whether the use restriction: is reasonably related to the need to reduce noise over noncompatible land uses, would not pose an undue burden on interstate or foreign commerce, and would meet both local needs and needs of the national air transportation system to the extent practicable (§150.33).

1. For restrictions not affecting Stage 2 and Stage 3 aircraft that operate or could operate at the airport (including Stage 2 helicopters), the measure should meet the above-described Part 150 analysis criteria.

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2. For restrictions affecting Stage 2 and/or Stage 3 aircraft that operate (or could operate) at the airport, the airport operator must demonstrate that it has successfully completed the applicable requirements of Part 161 before it can be submitted for approval in Part 150. Part 161 §161.211 (Stage 2 aircraft restrictions) and §161.321 (Stage 3 aircraft restrictions) describe how the airport operator can combine some of the Part 150 and 161 consultation and analysis requirements. Alternately, the airport operator may recommend a separate follow-on Part 161 study for approval in the NCP¹⁶. The FAA may approve this type of recommendation if the Part 150 study can demonstrate that non-restriction measures will not adequately mitigate the airport's noise environment.

The FAA reviewer should advise the airport operator when the lack of sufficient analysis of non-restrictive alternatives, or lack of adequate consideration of beneficial non-restrictive alternatives, is likely to result in the FAA's disapproval in the Part 150 document of a recommended restriction¹⁷ pending the submission of additional information.

Any use restriction should be coordinated with APP-400 (who will in turn coordinate with AAS-400, AEE-1, and AGC-600) before the region makes a determination whether the documentation is sufficient to start the FAA's final 180-day review period.

E. There are no exceptions to the analytical requirements and the program standards imposed by Part 150. If airport operators submit recommendations for FAA approval that are continuations of past practices, these must meet the same analytical requirements and program standards as new recommendations (see detailed discussion on this at C., above).

If airport operators, or city councils, or other governing bodies with responsibility for specific program measures or for the overall program, change recommendations or propose additional recommendations at the end of the Part 150 process and before submittal of the final program to the FAA for action, these recommendations must also be appropriately analyzed and subjected to consultation prior to the public hearing opportunity.

F. Under §150.23(e)(6), the documentation must indicate if, and how, the recommended alternatives may change any existing noise control or compatibility plans or actions previously adopted at the airport (noise control plans may already be in place at the airport, with or without an NCP).

¹⁶ See FAA [Policy on Funding of Combined Part 150 and Part 161 Studies and Analyses \(9/6/1996\)](#)

¹⁷ The restriction proposal must meet all Part 150.33 approval criteria, including a demonstration the measure(s) would not create an undue burden on commerce, including unjust discrimination; and would not adversely affect the authority and responsibilities of the FAA Administrator, as well as the basic tests that the measure is consistent with the goal of reducing or preventing incompatible land uses.

14 CFR PART 150 NOISE COMPATIBILITY PROGRAM CHECKLIST

PART II – Narrative Instructions

G. Sections 150.23(e)(8) and B150.7(c) require the documentation identify the agency or agencies responsible for implementing each recommended alternative. Section B150.7(c) further requires an indication of whether those agencies have agreed to implement measures within their jurisdiction. Section 150.23(e)(8) requires the documentation to include any essential governmental actions that will be necessary in order to implement specific alternatives.

H. Sections 150.23(e)(8) and B150.7(c) require the inclusion of an approximate agreed upon schedule within which the program alternatives will be implemented. This information should sufficiently address the requirement in §150.23(e)(8) to indicate the period covered by the program.

I. Section 150.23(e)(8) requires an indication of the costs of the recommended alternatives and anticipated sources of funding.

VI. Program Revision Section 150.23(e)(9) requires the documentation to include some provision for revising the NCP if made necessary because of revision of the NEMs. NEMs are required to be revised if operations (including fleet mix) or the airport layout changes and would increase/decrease the DNL contours by 1.5 dB or greater over noise-sensitive land uses.

It is sufficient for the document to simply state that the program will be reconsidered for potential revision if necessary because of NEM revision. More detailed or elaborate conditions for revising a program are optional. This statement does not have to be included as a program recommendation, but it must be included in the section of the document describing implementation and responsibilities.